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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,093	11/01/2000	Robert P. St Pierre	SMQ-039	3451
959	7590	01/20/2004	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

P24

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/704,093		ST PIERRE, ROBERT P.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Benjamin R Bruckart		2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____                                    |

***Detailed Action***

Claims 1-35 are pending in this Office Action.

***Information Disclosure Statement***

The information disclosure statement filed on paper 3 has been considered.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15 are drawn to a display device comprising a display surface and display manager managing messages between manager and devices over a network, classified in class 709, subclass 200.

II. Claims 16-35 are drawn to a display device apparatus interfaces with a network located within a motor vehicle, classified in class 340, subclass 691.1.

The inventions are distinct, each from the other because of the following reason:

Invention Groups I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in Group I has separate utility such as managing and displaying data to a user over a network. See MPEP § 806.05(c). Invention in Group II has separate utility and is an automotive user display system.

Inventions in Group I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation,

different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are (1) a display manager managing messages between a manager and devices over a network and (2) an automotive indication display.

Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Jon Canning on 11/18/03, a provisional election was made with traverse to prosecute the invention of Robert P. St. Pierre, claims 16-35. Affirmation of this election must be made by applicant in replying to this Office action.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,505,100 by Stuempfle et al in view of U.S. Patent No 6,246,693 by Davidson et al.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,505,100 by Stuempfle et al in view of U.S. Patent No 6,246,693 by Davidson et al.

Regarding claim 16,

The Stuempfle reference teaches a system in a motor vehicle (Stuempfle: col. 1, lines 12-15), a display device (Stuempfle: Figure 6, tag 24; col. 4, lines 2-5) apparatus interfaced with a network (Stuempfle: col. 1, lines 12-15) located within said motor vehicle, said apparatus comprising:

a display surface mounted on the motor vehicle dashboard (Stuempfle: col. 4, lines 2-5; Figure 6, tag 24); and

a display manager for determining what messages are displayed on the display surface (Stuempfle: Figure 6, col. 8, lines 40-44), said display manager receiving messages for display on the display device from multiple network devices connected to said network located within said motor vehicle (Stuempfle: col. 6, lines 19-25).

The Stuempfle reference does not explicitly state the prioritizing of messages.

The Davidson reference teaches a display manager prioritizing the received messages to determine a sequence in which said received messages are displayed on said display surface (Davidson: col. 18, lines 46-57).

The Davidson reference further teaches this system predicts the error rate and ensures that collisions between messages are avoided (Davidson: col. 3, lines 4-15).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system in a motor vehicle of a display device connected to a network with a manager as taught by Stuempfle while employing message prioritizing as taught by Davidson in order to send messages to a host while predicting the error rate and ensuring that collisions between messages are avoided (Davidson: col. 3, lines 4-15).

Claims 17-33 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davidson et al and Stuempfle et al.

Regarding claim 17, the apparatus of claim 16 wherein  
said display device and said network devices communicate over an Internet Protocol (IP) based network (Stuempfle: col. 5, lines 22-23; col. 1, lines 25, 30-32; col. 8, lines 3-19... conventional procedures, addressing, URL, and DNS all properties of an IP network).

Regarding claim 18, the apparatus of claim 16 comprising:  
a selected one of said network devices registered with said display device (Stuempfle: col. 11, lines 40-52),

said display manager registering said display device in a list maintained by said display device (Stuempfle: col. 11, lines 40-52; Figure 4, Figure 6, tags 24, 27, 28, 29, 30), said registration occurring prior to said display device displaying any messages from said network device (Stuempfle: col. 11, lines 40-52).

Regarding claim 19, the apparatus of claim 18 wherein said display manager registers a selected one of said network devices (Stuempfle: col. 11, lines 40-52), said network device being a global positioning satellite receiver (Stuempfle: col. 7, lines 3-15; col. 8, lines 45-50).

Regarding claim 20, the apparatus of claim 18 wherein said display manager registers a selected one of said network devices (Stuempfle: col. 11, lines 40-52), said network device being a cellular phone (Stuempfle: col. 1, lines 18-20; Figure 6, tags 24, 27, 28, 29, 30; col. 7, lines 20-29; col. 8, lines 45-50).

Regarding claim 21, the apparatus of claim 18 wherein said display manager registers a selected one of said network devices (Stuempfle: col. 11, lines 40-52), said network device being an automobile stereo (Stuempfle: col. 8, lines 45-50; Figure 6, tags 27).

Regarding claim 22, the apparatus of claim 18 wherein said display manager registers a plurality of said network devices with said display device (Stuempfle: col. 8, lines 45-50; col. 11, lines 40-52).

Regarding claim 23, the apparatus of claim 22 further comprising:  
a separate priority message queue created on said display device for each network device registered with the display device (Davidson: col. 18, lines 43-52);  
wherein each priority message queue has a priority level assigned to it (Davidson: col. 18, lines 45-50); and  
wherein a display message received by the display device from a given one of the network devices is placed in a priority message queue that is assigned to said network device (Davidson: col. 18, lines 43-52, lines 65- col. 19, line 2).

Regarding claim 24, the apparatus of claim 23 wherein the display message placed in said priority message queue contains text (Davidson: col. 20, lines 53-55; col. 4, lines 49-52).

Regarding claim 25, the apparatus of claim 23 wherein the display message placed in said priority message queue contains a graphical image (Davidson: col. 4, lines 49-52).

Regarding claim 26, the apparatus of claim 23 wherein the display message placed in said priority message queue message contains text (Davidson: col. 20, lines 53-55; col. 4, lines 49-52) and a graphical image (Davidson: col. 4, lines 49-52).

Regarding claim 27, the apparatus of claim 23 further comprising:  
said display manager assigning a Message Identification number to said display message placed in said priority message queue (Davidson: col. 11, lines 56-58); and  
said display manager assigning a message priority level to said display message as it is placed into said priority message queue (Davidson: col. 18, lines 43-59), said message priority level being encoded into said display message when received by said display manager and

extracted by said display manager (Davidson: col. 3, lines 45-47; inherent because it must be encoded to be decoded).

Regarding claim 28, the apparatus of claim 27 further comprising:

said display manager selecting a selected priority message queue with a highest priority level, said selected priority message queue containing at least one message (Davidson: col. 19, lines 13-17);

said display manager selecting a selected display message with a highest message priority level from within said selected priority message queue with a highest priority level (Davidson: col. 19, line 17); and

said display manager displaying said selected display message with a highest priority level on the display surface of said display device (Davidson: col. 19, lines 13-14; Stuempfle: col. 4, lines 2-5; Figure 6, tag 24).

Regarding claim 29, the apparatus of claim 27 wherein said display manager removes a selected display message in a priority message queue in response to a request from said network device (Davidson: col. 19, lines 49-54).

Regarding claim 30, the apparatus of claim 27 wherein said display manager maintains a list of Message Identification numbers (Davidson: col. 11, lines 56-58) of all of the messages in a priority message queue assigned to a particular network device (Davidson: col. 20, lines 44-47), said display manager providing said list to said particular network device in response to a request from said particular network device (Davidson: col. 20, lines 44-47).

Regarding claim 31, the apparatus of claim 27 wherein said display manager maintains a list of network devices registered with said display device (Stuempfle: col. 11, lines 40-52; Figure 4, Figure 6, tags 24, 27, 28, 29, 30), said display manager removing a selected network device from said list in response to a request from said selected network device (Davidson: col. 19, lines 49-54).



Regarding claim 32, the apparatus of claim 27 wherein said display manager provides the status of a selected display message in a priority message queue assigned to a network device to said network device in response to a request from said network device (Davidson: col. 19, lines 34-38).

Regarding claim 33, the apparatus of claim 27 wherein said display manager displays a display message with display characteristics that were encoded within said display message when received by said display device (Davidson: col. 20, lines 44-53).

Regarding claim 34,

The Stuempfle reference teaches a system in a motor vehicle (Stuempfle: col. 1, lines 12-15), a display device (Stuempfle: Figure 6, tag 24; col. 4, lines 2-5) apparatus interfaced with a network (Stuempfle: col. 1, lines 12-15) located within said motor vehicle, said apparatus comprising:

- a display surface (Stuempfle: col. 4, lines 2-5; Figure 6, tag 24); and

- a display manager for determining what messages are displayed on the display surface (Stuempfle: Figure 6, col. 8, lines 40-44), said display manager receiving messages for display on the display device from multiple network devices connected to said network located within said motor vehicle (Stuempfle: col. 6, lines 19-25),.

The Stuempfle reference does not explicitly state the prioritizing of messages.

The Davidson reference teaches a display manager prioritizing the received messages to determine a sequence in which said received messages are displayed on said display surface (Davidson: col. 18, lines 46-57).

The Davidson reference further teaches this system predicts the error rate and ensures that collisions between messages are avoided (Davidson: col. 3, lines 4-15).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system in a motor vehicle of a display device connected to a network with a manager as taught by Stuempfle while employing message prioritizing as taught by Davidson in order to send messages to a host while predicting the error rate and ensuring that collisions between messages are avoided (Davidson: col. 3, lines 4-15).

Claim 35 is rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Davidson et al and Stuempfle et al.

Regarding claim 35, the apparatus of claim 34 wherein said display device and said network devices communicate over an Internet Protocol (IP) based network (Stuempfle: col. 5, lines 22-23; col. 1, lines 25, 30-32; col. 8, lines 3-19... conventional procedures, addressing, URL, and DNS all properties of an IP network).

#### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,052,750 issued to Rodger.

U. S. Patent No. 6,108,727 issued to Boals et al.

U. S. Patent No. 6,542,076 issued to Joao.

U. S. Patent No. 6,160,796 issued to Zou.

U. S. Patent No. 6,021,429 issued to Danknick

U. S. Patent No. 6,631,399 issued to Stanczak et al.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

*BdB*

*Hosain Alam*

**HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER**